

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOYCE FORD,

Plaintiff,

vs.

**ANTHONY PRINCIPI,
Secretary, Dept. of Veterans Affairs,**

Defendants.

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Case No. 4:04CV1455SNL

ORDER

This matter is before the Court on the parties' joint motion for continuance of dispositive motion deadline and trial date (#12), filed April 18, 2006.

In this motion, the parties request another extension of the dispositive motion deadline and a continuance of the trial date. The Court will not grant the request as to the dispositive motion deadline; however, the Court will grant the request to move the trial to September 25, 2006.

The original Case Management Order (CMO) in this case was entered a year ago on April 8, 2005. *See*, Court Order #8. It clearly set forth a dispositive motion deadline of November 18, 2005 and a trial date of February 21, 2006. One (1) month prior to the expiration of the dispositive motion deadline, the parties filed a joint motion to amend the CMO requesting that the dispositive motion deadline be extended to January 6, 2006 and the trial date moved to May 1, 2006. The parties sought the extensions "due to medical issues involving the Plaintiff". Document #9, filed October 17, 2005. The Court granted the extensions on October 24, 2005. *See*, Court Order #10. As of January 6, 2006, no dispositive motions were filed by either party.

Furthermore, from October 17, 2005 to April 18, 2006, neither party contacted the Court to apprise it of any problems concerning discovery or the deadlines in the amended CMO.

Now, the parties seek a second extension of the dispositive motion deadline and the trial date; again based primarily upon the plaintiff's medical problems.¹ The parties concede that there was a delay in taking plaintiff's deposition; then another delay due to illness in taking a witness' deposition. These delays were never communicated to the Court until now on the eve of trial. The parties further concede that they have been dilatory in bringing this matter to the Court's attention but provide no justifiable reason for failing to do so.

The parties have had considerable time to conduct discovery and file any dispositive motions. They provide no justifiable excuse for seeking yet another extension of the dispositive motion deadline. The plaintiff's illness is not a sudden occurrence and is not expected to "disappear"; i.e. she may continue to have difficulties meeting her obligations in litigating this lawsuit. The Court will not extend the dispositive motion deadline; however, it will grant one (1) more continuance in hopes that both parties can sufficiently prepare for trial or otherwise dispose of this matter.

Accordingly,

IT IS HEREBY ORDERED that the parties' joint motion for continuance of dispositive motion deadline and trial date (#12) be and is **DENIED IN PART** and **GRANTED IN PART**. The parties' request to extend the dispositive motion deadline to May 1, 2006 is **DENIED**. The parties' request to continue the trial date to September 25, 2006 is **GRANTED**.

IT IS FINALLY ORDERED that this cause of action be and is **REMOVED** from the Court's trial docket of May 1, 2006 and reset to the trial date of September 25, 2006.

¹It appears undisputed that plaintiff has multiple sclerosis.

Dated this 20th day of April, 2006.

A handwritten signature in black ink, reading "Stephen T. Limbaugh". The signature is written in a cursive, flowing style. The first name "Stephen" is followed by a middle initial "T." and the last name "Limbaugh". The signature is positioned above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE